

REMARKS

Claims 1, 4-11, and 13-40 are pending in the present application. In the Office Action mailed June 1, 2007, the Examiner rejected claims 19-23, 25-27, and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Earnst et al. (US Pub. 2005/0085710) and Cosman. The Examiner next rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Earnst et al. in view of Scheibengraber (USP 4,538,289). Claims 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Earnst et al. in view of Li et al. (USP 6,269,501). Claims 1, 4-11, and 13-40 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 7,068,751.

Claim 1 is objected to by the Examiner. Applicant has amended claim 1 per the Examiner's suggestion to correct a typographical error. No new matter has been added.

Claims 1, 4-11, and 13-40 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 7,068,751. A properly executed Terminal Disclaimer is being filed concurrently herewith to obviate the double patenting rejection. The \$130 Terminal Disclaimer fee under 37 CFR 120(d) is also being concurrently paid via EFS-WEB. As such, Applicant respectfully requests withdrawal of the double patenting rejection of claims 1, 4-11, and 13-40 over U.S. Patent No. 7,068,751.

The Examiner rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Earnst et al. and Cosman stating that Earnst et al. teaches a method of imaging including the steps of:

positioning a subject in an imaging device having detector array for acquiring image data; collecting positioning information of the table from both at least one sensor disposed in proximity to the imaging device and from the detector array; determining a relative position of the subject within the imaging device from at least the position information. *Office Action*, 06/01/07, pg. 2 (internal citations omitted).

Applicant has filed concurrently herewith a Declaration under 37 C.F.R. § 1.131 antedating the Earnst et al. reference. Since Earnst et al. should no longer be available as prior art, Applicant believes that a *prima facie* case of obviousness has not been made. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection of claim 19 and all claims depending therefrom.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1, 4-11, and 13-40.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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Attorney Docket No.: GEMS8081.198

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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 07-0845.

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